

**STATE OF MICHIGAN
DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES
BUREAU OF HEARINGS**

In the matter of

Docket No. 2001-1642

**XXXXX XXXXX,
Petitioner**

Agency No. 01-307-BC

v

**Agency: Office of Financial & Insurance
Services**

**Blue Cross & Blue Shield of Michigan,
Respondent**

**/ Case Type: Appeal
Subscriber/Provider**

**Issued and entered
this 5th day of December, 2001
by James L. Karpen
Administrative Law Judge**

PROPOSAL FOR DECISION

PROCEDURAL HISTORY

Appearances: Petitioner, XXXXX XXXXX, did not appear at the hearing. Respondent, Blue Cross and Blue Shield of Michigan, was represented at the hearing by Robert A. Phillips, Attorney at Law.

This case stems from a September 19, 2001 Order Referring Complaint for Hearing and Order to Respond (Order). According to the Complaint appended to the Order, on July 8, 2001, Petitioner appealed a Review and Determination dated June 20, 2001. On October 2, 2001 Respondent submitted a Motion for Summary Disposition with various attachments which included as Exhibit E, the June 20, 2001 Review and Determination which rejected Petitioner's initial complaint against Respondent.

The hearing in this matter was held as scheduled on November 14, 2001. As indicated above Petitioner failed to appear at the hearing.

At the hearing, Respondent moved to dismiss Petitioner's appeal based upon his failure to appear. Respondent's motion was granted.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Petitioner has the burden of going forward with the evidence to establish the allegations contained in the Complaint. See, LeDuc, Michigan Administrative Law, Sec 642, p. 54. By failing to present evidence at the hearing, Petitioner has failed to meet his burden or proof. LeDuc, *supra*. Based upon Petitioner's failure to submit evidence, I find that the Review and Determination in this case is legally and factually correct. It is hereby adopted and incorporated herein and appended hereto.

PROPOSED DECISION

Based upon Petitioner's failure to appear at the hearing or submit evidence in support of his complaint, I recommend that Petitioner's appeal be dismissed.

EXCEPTIONS

The parties may file exceptions to this Proposal for Decision within 20 days after the Proposal for Decision is issued and entered. An opposing party may file a response within 15 days after exceptions are filed. Exceptions shall be filed with the Office of Financial and Insurance Services, Division of Insurance, 611 West Ottawa Street, 2nd Floor, P.O. Box 30220, Lansing, Michigan 48909, Attention: Dawn Kobus.

James L. Karpen
Administrative Law Judge

